

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
Asheville Division**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 1:07cr3
)	
RICHARD CAMPBELL)	
SANDRA WALLACE)	

ORDER

The matter is before the Court on an uncaptioned pleading filed *pro se* by defendants Richard Campbell and Sandra Wallace on November 13, 2009 (document 138). In their submission, which is properly construed as a motion, defendants essentially request that their sentences either be reduced or expunged on the ground that they were treated more harshly than other defendants in this case, specifically arguing that they “were the only individuals convicted of the unreasonably high level of Class D felony.” *Id.*

Defendants’ argument is flawed in several respects. First, contrary to their contentions, these defendants were not the only individuals convicted of a felony for essentially the same conduct. Others have been treated precisely as these defendants were treated in terms of indictment and sentencing. The motion is also in error insofar as defendant Wallace contends that she “made an illegal payout of \$30.00 on one [of the video poker machines].” *Id.* This statement invites the inference that this was the only illegal payout she made; this is untrue. As confirmed by the Presentence Investigation Report (PSIR) — adopted by the Court in the course of the sentencing hearing — defendant Wallace made other illegal payouts, including a \$160.00 payout on one day to an informant. Moreover, while defendants may believe that being labeled as a felon for the rest of

their lives is excessive given that video poker machines continue to be operated in North Carolina, that belief provides neither good nor sufficient legal cause to reduce or expunge their convictions.

Accordingly, for these reasons,

It is hereby **ORDERED** that defendants' motion for a reduction or expungement of their sentences (document 138) is **DENIED**.

Should defendants wish to appeal this Order, they must do so by filing a written notice of appeal within ten (10) days, pursuant to Rules 3 and 4, Fed. R. App. P.

The Clerk is directed to send a copy of this Order to the Probation Office and all counsel of record.

/s/

T. S. Ellis, III
United States District Judge

Alexandria, VA
December 2, 2009